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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,113	09/20/2000	Steven Barrett Rogers	8255	5676

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THE PROCTER & GAMBLE COMPANY
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EXAMINER

STINSON, FRANKIE L

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 12/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/666,113	Applicant(s) ROGERS ET AL.
	Examiner FRANKIE L. STINSON	Art Unit 1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 0203.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 is/are allowed.
- 6) ☒ Claim(s) 8-10 and 15-18 is/are rejected.
- 7) ☒ Claim(s) 11-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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1. The indicated allowability of claims 8, 9 and 10 is withdrawn in view of the newly discovered reference(s) to Kahane et al., Japan 2000-22197 (Japan'197), Japan 2000-167287 (Japan'287) and Masi. Rejections based on the newly cited reference(s) follow.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 8, 9, 10, 15, 17 and 18 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by either Japan'197 or Japan'287.

Re claims 8 and 15, Japan'197 and Japan'287 disclose a flexible washing machine bag comprising at least one web of material (14 in Japan'197 and "A" in Japan'287) that is arranged in two opposed portions joined together to form several pockets. As for the intended use/preamble of orienting shoes in a washing machine, please note that since the body of the claims fail to breath life and meaning into the claim's intended use/preamble, the same has not been given the weight of a limitation (see MPEP 2111.02).

4. Claims 8, 9, 10, 15, 17 and 18 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by either Masi or Kahane et al.

MPEP is cited as applied above.

5. Claim 16 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by Japan 2000-23897 (Japan'897).

Re claim 16 Japan'897 discloses a method of cleaning shoes in a vertical axis washing machine comprising providing a washing machine having a vertical axis tub (10), providing at least one shoe having (A), providing a device (20) for orienting said at least one shoe in the tub, which maintains the shoe in a particular orientation through out the washing process, positioning the device in the tub, placing the shoe in the device and operating the washing machine.

6. Claim 16 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Misawa.

Re claim 16, Misawa discloses a method of cleaning shoes in a vertical axis washing machine comprising providing a washing machine having a vertical axis tub (12), providing at least one shoe (50), providing at least one device (31) for orienting said at least one shoe in the tub, which maintains the shoe in a particular orientation through out the washing process, positioning the device in the tub, placing the shoe in the device and operating the washing machine.

7. Claims 11-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 1-6 are allowed.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In Orensten, Patterson, Spanel, Martionon et al., Ziskind, Lewis, Milstein and Japan'668, note the washing bags.

10. Applicant's arguments with respect to claim 1-6 and 8-18 have been considered but are moot in view of the new ground(s) of rejection.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (703) 308-0661. The examiner can normally be reached during the first week of the pay-period M-F from 5:30 a.m. to 3:00 p.m. and during the second week of the pay-period from Tu-Th second from 5:30 a.m. to 3:00 p.m. and on Fri. from 5:30 a.m. to 2:00 p.m. Alternating Mondays off.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 (NON-FINAL REJECTION STATUS) and (703) 872-9311 (AFTER-FINAL REJECTION STATUS).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Any inquiry for missing parts of this Office Action (copies of references, pages, forms etc.), contact Office Manager Ms. Sandra Sewell (703) 308-0661.

ATTENTION:

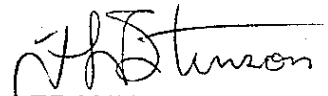
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As a result of the move of the USPTO Group Art Unit 1746 into its new campus on December 17, 2003, the examiner's new telephone number will be (571) 272-1308 and the fax number will be (571) 273-1308.

fls


FRANKIE L. STINSON
Primary Examiner
Art Unit 1746